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Congress of the United States
House of Representatives
November 12, 2003

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The Honorable Mark R. Warner
Governor of Virginia
State Capitol
Richmond VA 23219

Dear Governor Warner:

I appreciate your copying me on your letter of October 20 to Senators Campbell and Inouye expressing your support for S. 1423, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2003.

I write today to share with you a memorandum prepared at my request by the non-partisan Congressional Research Service (CRS) stating that S. 1423 – and its companion legislation in the House, H.R. 1938 – leaves open the possibility that casino gambling could come to Virginia. That, in my opinion, is not good for Virginia and I ask you to reconsider your support for this legislation unless it is amended to forbid gambling now and in the future.

According to CRS, a loophole remains in both measures whereby if they become law, “gaming operations may occur on land acquired for any Virginia tribes, provided the Secretary of the Interior, after consultation with appropriate state and local and nearby tribal officials, finds such operations to be in the best interest of the tribe and its members and not detrimental to the surrounding community and obtains the consent of the appropriate governor.”

While the current leadership of the six tribes seeking recognition say they do not want gambling, no one can predict the future. Case in point: an Indian tribe in California whose chairman in 2000 said they weren’t interested in gambling, is now trying to develop off-reservation casino sites. In just three years, the tribe totally changed its position and has joined forces with a Nevada gambling operation to develop a casino in the Bay area.

Moreover, there is nothing to prevent future governors from allowing gambling to come to the Commonwealth, especially if the state were in dire financial straits. Look no farther than to our neighbors across the Potomac, where Governor Ehrlich and some members of the Maryland General Assembly are considering allowing slots at race tracks to generate income as a way to address the state’s deficit.

Simply put, the proposed legislation now before the Senate and the House must completely foreclose any possibility of casino-style gambling in the Commonwealth. Virginia’s tourism sector, its economy and its communities are some of the strongest in the country. Places

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such as Williamsburg, Yorktown and Jamestown are national treasures which draw visitors from all over the world. Small businesses thrive in Virginia. The Commonwealth should not risk tarnishing its reputation by allowing casino-style gambling within its borders.

Enclosed you will find a two-part series that ran in *Time* magazine last year on the corrosive underside of tribal gambling operations. I urge you and your staff to read it. This is not the kind of industry I want coming to Virginia. Connecticut and California have been overwhelmed with problems attendant to gambling since the arrival of Indian casinos and local communities are often left to fend for themselves against the resulting crime, corruption and collapse of small business.

As the author of legislation which created the National Gambling Impact Study Commission that released its two-year study in 1999, I know firsthand about the devastating social and financial costs of gambling. Crime. Prostitution. Corruption. Families destroyed as gamblers roll up huge debt. Abuse is common in the families of gamblers. Sadly, suicide is one form of escape. The state of Washington, Jefferson, Madison and Mason should retain its hard-won reputation for clean government and economic vitality. Gambling would destroy this.

I want to emphasize that I am not opposed to the federal recognition of Indian tribes. Quite frankly, I think we in government have failed Native Americans. The overall portrait of Native Americans continues to be dominated by disease, unemployment, infant mortality and school drop-out rates that are among the highest in the nation. Moreover, since the passage of the Indian Gambling Regulatory Act of 1988, our investment in federal programs designed to improve the health and welfare of tribes has declined significantly. Gambling has become the excuse for that reduced commitment.

Last year, I called for the creation of a national commission to examine the federal government's policy toward Native Americans. The commission was to develop recommendations to improve the welfare of tribes in the areas of health, economic development, housing and transportation infrastructure. The panel also would have examined the impact gambling has had on Indians, including the influence of non-Native American private investors on the federal recognition process and the establishment and operation of Indian gambling facilities. Regrettably, a floor amendment stripping the panel from the FY 2003 Interior Appropriations bill passed the House.

I was successful in including \$2 million in the FY 2003 Commerce-Justice-State (CJS) spending bill – I am the chairman of the CJS subcommittee – to develop a program through the Small Business Administration to promote economic development and assist small businesses near the nation's most disadvantaged tribal areas. I would be more than happy to work with the Commonwealth to help develop a similar program to help Virginia tribes.

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Again, my concern is not with the federal recognition of Indian tribes; I just want to make sure the Commonwealth doesn't inadvertently open itself to the spread of gambling. I hope you will reconsider your support of the legislation in its present form that is pending in both the House and the Senate.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:ns

I thank you